

DAVID Y. IGE
GOVERNOR



NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

LATE

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

No. _____

TESTIMONY ON HOUSE BILL 336, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO HAWAII STATE AND CONTRACTED
CORRECTIONAL FACILITIES.

by

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Thursday, March 28, 2019; 9:45 a.m.
State Capitol, Conference Room 016

Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

The Public Safety Department (PSD) supports the intent of House Bill (HB) 336, House Draft (HD) 2, Senate Draft (SD) 1, as the Department is committed to transparency relative to the sensitive and important issue addressed in this measure – the deaths of staff and inmates in our facilities.

PSD wishes to clarify that the requirement that the clinical mortality review at a correctional facility or community correctional center be disclosed within 48 hours cannot be fulfilled, since it takes, on average, 30 days to complete. The Department, therefore, respectfully recommends deleting page 2, lines 12 – 14.

Thank you for the opportunity to present this testimony.



HB336 HD2 SD1
RELATING TO HAWAII STATE AND CONTRACTED CORRECTIONAL FACILITIES
Senate Committee on Judiciary

March 28, 2019

9:45 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB336 HD2 SD1, which would improve transparency and urgency in procedures surrounding the deaths and sexual assaults of inmates, by requiring the Department of Public Safety (PSD) to expediently report inmate and correctional employee deaths to the Governor and Legislature, provide an annual report on sexual assaults of inmates to the Legislature, and collect evidence to investigate possible sexual assaults preceding inmate deaths.

Inmate deaths have become too common an occurrence in our criminal justice system, and information about these deaths is sparsely disclosed. In recent years, a rash of violent deaths and apparent suicides among young, mostly Native Hawaiian inmates held in local and out-of-state facilities has prompted public outrage, especially in the Hawaiian community. Not surprisingly, the public has grown increasingly distrustful of our criminal justice system and concerned about the safety of family and community members held in the “custody and care” of PSD. PSD’s lack of transparency about its violent incident procedures, the circumstances surrounding specific violent events and inmate deaths, and the parameters and findings of PSD investigations on these matters, has only further deepened this public distrust.

Sexual assaults of inmates has also become an issue of concern for justice advocates and families of pa‘ahao. Testimony offered on this measure in previous hearings has highlighted the public’s concern for the safety of inmates who may be exposed to sexual violence, as well the lack of public information about sexual assault incidents in correctional facilities. Some have suggested that sexual violence may be among the circumstances surrounding inmate deaths; these weighty concerns warrant a serious response with the highest degree of scrutiny. PSD should take every measure to investigate sexual assault against inmates in its care, and ensure the integrity of future investigations related to possible sexual assault preceding and potentially contributing to inmate deaths.

By requiring immediate reporting on inmate deaths, periodic reporting on sexual assaults against inmates, and the collection of biological samples to support future investigations related to sexual assault that may be correlated with inmate deaths, HB336 HD2 SD1 would improve transparency and provide an appropriate level of urgency in addressing the safety of those in our State’s care. Ideally, this information (anonymized as

appropriate to protect individuals and families) should also be disseminated to the public, pending notification of families, and an external system of oversight should be established to independently investigate violent incidents and PSD procedures. Although such a system is not provided for here, this Legislature is currently seriously considering such a structure in other measures this session. OHA nonetheless supports this measure's reporting requirement as a critical first step toward helping the public and the Legislature better understand potential systemic shortcomings, that may continue to make our criminal justice system unsafe for our pa'ahao. Such increased transparency will also help to remediate public trust and strengthen public safety overall.

Therefore, OHA urges the Committee to **PASS** HB336 HD2 SD1. Mahalo for the opportunity to testify on this measure.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Glenn Wakai, Vice Chair

Thursday, March 28, 2019

9:45 am

Room 016

STRONG SUPPORT- HB 336 HD2, SD1 - DEATHS IN CORRECTIONAL FACILITIES

Aloha Chair Rhoads, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is in strong support of this measure. We respectfully request that death notifications be made PUBLIC - not just to the governor and the legislature.

Community Alliance on Prisons is deeply concerned about this because of a suspicious death that occurred last January that the department classified as a suicide. The woman's body was washed before the family could request a rape evidence kit be taken. This bill requires collection of sexual assault evidence if there is an indication of sexual assault, counseling within 24 hours of a sexual assault, and establishes policies and standards of transparency to achieve a zero-tolerance policy.

We know that a correctional officer died at OCCC because no one had a key to enter his station. There have been far too many deaths as well as deaths from suicides at various facilities in Hawai'i or contracted by Hawai'i. We know of several recent deaths at Saguaro and were recently told that a 52-year old man with no health problems man died because there was no defibrillator there. Shortly after this death another one occurred at the same facility. Who is watching out for the people incarcerated by Hawai'i serving their sentences far, far away?

The community needs transparency and accountability, not just the bill for us to pay for this dysfunctional department's misdeeds.

Community Alliance on Prisons urges the committee to pass this important bill. Demanding transparency and accountability from one of Hawai'i's most secretive and unaccountable agencies is long overdue. PLEASE VOTE FOR TRANSPARENCY! Mahalo for this opportunity to testify.

"Power corrupts, and there is nothing more corrupting than power exercised in secret."

Daniel Schorr

HB-336-SD-1

Submitted on: 3/26/2019 9:57:54 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

HB-336-SD-1

Submitted on: 3/23/2019 7:37:35 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

HB-336-SD-1

Submitted on: 3/25/2019 4:06:03 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments:

LATE

HB-336-SD-1

Submitted on: 3/27/2019 3:50:39 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Bethel	Individual	Support	Yes

Comments:

HB 336 HD2 SD1 is an important bill that would mandate transparency regarding deaths in our correctional facilities. The public deserves to know when and why someone has died in our correctional facilities.

Transparency is an essential element needed to help improve the operation of the Department of Public Safety and, by extension, improve conditions in our correctional facilities..

The bill will also establish policies and standards of transparency in cases of sexual assault. It requires collection of assault evidence and establishes counseling services. It is an imperative that sexual assault be taken seriously.

Not reporting these kinds of events is not only detrimental to the Department of Public Safety but it erodes public trust in our criminal justice system.